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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARIA SOCORRO RAMIREZ DE
FUENTES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. 1:20-cv-00685-HBK (SS)

ORDER APPROVING PARTIES' STIPULATION
UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g)
AND REVERSING FINAL DECISION AND
REMANDING CASE

(Doc. No. 17)

ORDER TO TERMINATE ALL PENDING
MOTIONS AND DEADLINES

Pending before the Court is the parties' "Joint Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and for Entry of Judgment in favor of Plaintiff" filed February 24, 2021. (Doc. No. 17, Joint Stipulation). Plaintiff Maria Socorro Ramirez de Fuentes and the Commissioner of Social Security jointly stipulate to remand this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). *Id.*

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision. *See Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The *Melkonyan* Court recognized 42 U.S.C. § 405(g) contemplates only two types of remands: a sentence four or a sentence six remand. *Id.* at 98. A sentence four remand authorizes a court to enter "a judgment

1 affirming, modifying, or reversing the decision of the Secretary, with or without resetting the cause
2 for a rehearing.” *Id.* at 98 (other citations omitted). And when a sentence four remand does not
3 include this language, it is unclear whether a sentence four or a sentence six is remand is at issue.
4 *Id.* (noting because the “affirming, reversing, or modifying” language was absent from the district
5 court order, the parties agreed, and the Supreme Court found, that the district court did not intend
6 a sentence four remand).


7 Here, the parties’ stipulation and proposed order seeks remand under sentence four and
8 reversal of the Commissioner’s final decision. Doc. 17. at 1. The parties further stipulate that the
9 Court should direct the Administrative Law Judge to “conduct any necessary further proceedings,
10 including but not limited to clarifying the residual functional capacity and the demands of the
11 claimant’s past relevant work, and issue a new decision.” *Id.*

12 **Accordingly**, it is now ORDERED:

- 13 1. The Court APPROVES the parties’ Joint Stipulation (Doc. No. 17).
- 14 2. The Commissioner of Social Security’s decision is REVERSED, and this case is
15 REMANDED to the Commissioner of Social Security for further proceedings consistent
16 with the parties’ Joint Stipulation and this Order under sentence four, 42 U.S.C. §
17 405(g).
- 18 3. The Clerk is respectfully requested to terminate any pending motions/deadlines and
19 close this case.

20 IT IS SO ORDERED.

21 Dated: February 27, 2021

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23 HELENA M. BARCH-KUCHTA
24 UNITED STATES MAGISTRATE JUDGE
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